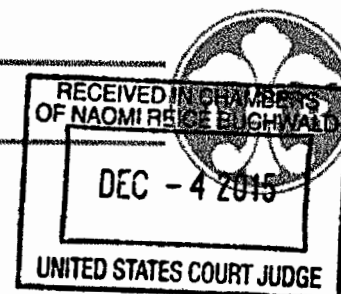


FISHER & BYRIALSEN P.L.L.C.

MEMO ENDORSED



December 4, 2015

By ECF and Facsimile ((212) 805-7927)

Honorable Naomi R. Buckwald
 United States District Judge
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

USDC SDNY
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Re Tommy Simmon v. City of New York et al., 15CV3489(NRM)

Third Joint Status Letter

Your Honor:

I am counsel for Plaintiff Tommy Simmon. On June 4, 2015, the Parties submitted a joint request to stay this matter pending the open investigations conducted by the Bronx County District Attorney's Office, the Inspector General's Office and Investigation Division of NYPD regarding the incident underlying the Complaint. On June 8, 2015, the Court endorsed this request. Joint Status Letters were subsequently submitted to the Court on August 6, 2015 and October 5, 2015 respectively, indicating that the above agencies had not completed their investigations. The case has since been stayed.

The Parties seek to update the Court on this matter. On November 28, 2015, Assistant District Attorney David Baumwoll of the Bronx County District Attorney's Office alerted the Parties via email of the following "Our investigation will take us into the January, but I do not anticipate it taking us into February." The other two agencies have not concluded their investigation as of this date.

It is therefore, respectfully requested that the case continue to be stayed pending the above mentioned investigations. The Parties will further update the Court regarding the status of the pending investigations within 60 days of this date.

Application
 granted

Naomi R. Buckwald
 usdc

12/7/15

Thank you for your consideration in this regard

Respectfully submitted,

/s/

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Cc Jenny Weng
Senior Counsel
Special Federal Litigation Division
(by ECF)